

REMARKS

Claims 4-6, 15, 17 and 18 are presented for consideration, with claim 15 being independent.

Independent claim 15 has been amended to further distinguish Applicants' invention from the cited art. Claims 17 and 18 have been added to provide an additional scope of protection.

Claims 4 and 15 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kishi '580. Claims 5 and 6 are rejected under 35 U.S.C. § 103 as allegedly being obvious over Kishi '580 view of Ikeda '521. Claim 15 is further rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to point out and distinctly claim the subject matter of the invention.

In response to the rejection under 35 U.S.C. § 112, Claim 15 has been amended to recite that the first electrode borders the second electrode at a border portion, and Claim 17 sets forth that the border portion is a strip-shaped portion. Support for the first electrode including a strip-shaped border portion can be found, for example, in paragraph [0021]. The strip-shaped portion refers to the region of the first electrode which displays color. *See* paragraph [0021], lines 10-18. By way of example, and not of limitation, in Figures 1A and 1B, the strip-shaped portion is depicted by region A3. Applicants submit that the claimed language is fully supported by the specification. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Applicants respectfully traverse the rejection under 35 U.S.C. § 102(e). Applicants submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Claim 15 is directed to an electrophoresis display apparatus comprising, *inter alia*, a first and a second substrate arranged with a predetermined gap between the two substrates, and a plurality of charged particles and insulating liquid enclosed in the gap between the two substrates. The claim further recites a first electrode and a second electrode, wherein the first electrode borders the second electrode at a border portion. As amended, a colored layer having the same color as the charged particles is formed in the area of the second electrode and the border portion. This arrangement allows for the advantageous effect of coloring the periphery of the second display electrode.

The Office Action cites Kishi as disclosing a first electrode including a strip-shaped portion which borders a second electrode as recited in independent claim 15. Specifically, the Office Action cites Figure 1, element 13 of Kishi as disclosing a strip-shaped portion of first electrode 3, bordering a second electrode 4.

Kishi teaches that element 13 of Figure 1 is disposed at the border of the display electrodes 3 and 4. *See* Figure 1, elements 4, 13, and 3. However, element 13 is a control electrode (one of two control electrodes), separate from the first and second electrodes 3 and 4, used to control transfer of the charged particles. *See* column 16, lines 4-14, 42-49; Figure 3.

In contrast to Applicants' claimed invention, however, Kishi does not teach or suggest, among other features, a colored layer having the same color as the charged particles and formed in the area of the second electrode and the border portion as recited by amended claim 15. For at least the above reasons, Kishi does not anticipate or render obvious independent claim 15 and thus reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

While Ikeda discloses a protruding portion of a first electrode, this protrusion is intended to control the distance between the surface of the first electrode and the surface of a second electrode. Ikeda is silent as to a colored layer having the same color as the charged particles formed in the area of the second electrode and the border portion. Accordingly, Ikeda fails to compensate for the deficiencies identified in Kishi, and thus reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

Accordingly, Applicants submit that the invention as set forth in independent claim 15 is patentable over the cited art. Dependent claims 4-6, 17 and 18 set forth additional features of Applicants' invention, and are patentable at least owing to their respective dependencies. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/vmm

FCHS_WS 3669505v1